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REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
SEATTLE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 3755
SEATTLE, WASHINGTON 98124-3755

JAN 14 2003

Regulatory Branch

Ash Grove Cement Company
3801 East Marginal Way South
Seattle, Washington 98134

Reference: 2001-1-00155
Ash Grove Cement Company

Ladies and Gentlemen:

Enclosed for your signature are Department of the Army permit forms for maintenance dredging of 3,600 cubic yards of spilled sand, gravel, and limestone material over a period of 10 years, at the Ash Grove Cement Company barge unloading berth (to recover materials spilled during the barge transfer and unloading process for reuse in the applicant's cement manufacture and to restore channel depth at the barge unloading berth to improve navigation and safety) in the Lower Duwamish Waterway, on the East bank, at 3801 East Marginal Way South, at Seattle, Washington as described in the enclosed drawings. Six hundred cubic yards will be dredged initially and 600 cubic yards dredged every 2 years thereafter for 5 additional dredging cycles for a total dredge volume of 3,600 cubic yards. Dredging will be by 4-foot clamshell bucket and would be limited to recently deposited spilled material. Dredged material would be dewatered on the barge. The barge will be towed to another site on the Duwamish waterway, where it will be off-loaded by loader into trucks. The material will be delivered by truck to the cement facility and reused in the facility's cement manufacturing process. Proposed dredge depth would be -25 feet Mean Lower Low Water. A 1-foot buffer of the spilled material would be left in place over the native sediment surface, as required by the Dredged Material Management Program agencies' dredging approval.

Before signing, you should be aware that the U.S. Army Corps of Engineers (Corps) began a new appeals process for our Regulatory program on March 9, 1999. For more information, on how it may apply to your project, see enclosure 2. To begin this appeal process, your completed Notice of Administrative Appeal Options and Process and Request for Appeal (NAO-RFA) form objecting to the permit and/or conditions along with both permit forms must be returned to us within 60 days from the date of this letter. Please be advised that the special condition requiring you to implement the reasonable and prudent measures under the Endangered Species Act is not appealable.

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If the entire permit is acceptable, you must sign and date both forms and return them to us with your check in the amount of \$100, made payable to the FAO, USAED, Seattle. Your copy of the fully executed permit will then be returned to you. The signed permit forms must be returned to us within 90 days from the date of this letter or your application will be canceled.

You cannot modify these permit forms or their accompanying drawings. By signing the forms you will be indicating your acceptance of all the permit's general and special conditions. Please read them carefully.

You can begin the work authorized by this permit only after you have received your copy of the fully executed permit form.

Sincerely,



For Thomas F. Mueller
Chief, Regulatory Branch

Enclosures

1. Permit (dupe)
2. Notice of Appeals Process
3. Envelope

Applicant: Ash Grove Cement		File Number: 2001-1-00155	Date: JAN 14 2003
Attached is:		See Section below	
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A	
X	PROFFERED PERMIT (Standard Permit or Letter of permission)	B	
	PERMIT DENIAL	C	
	APPROVED JURISDICTIONAL DETERMINATION	D	
	PRELIMINARY JURISDICTIONAL DETERMINATION	E	

SECTION I: The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <http://www.army.mil/mc/functions/cw/cewa/reg-0> Corps regulations at 34 CFR Part 151.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

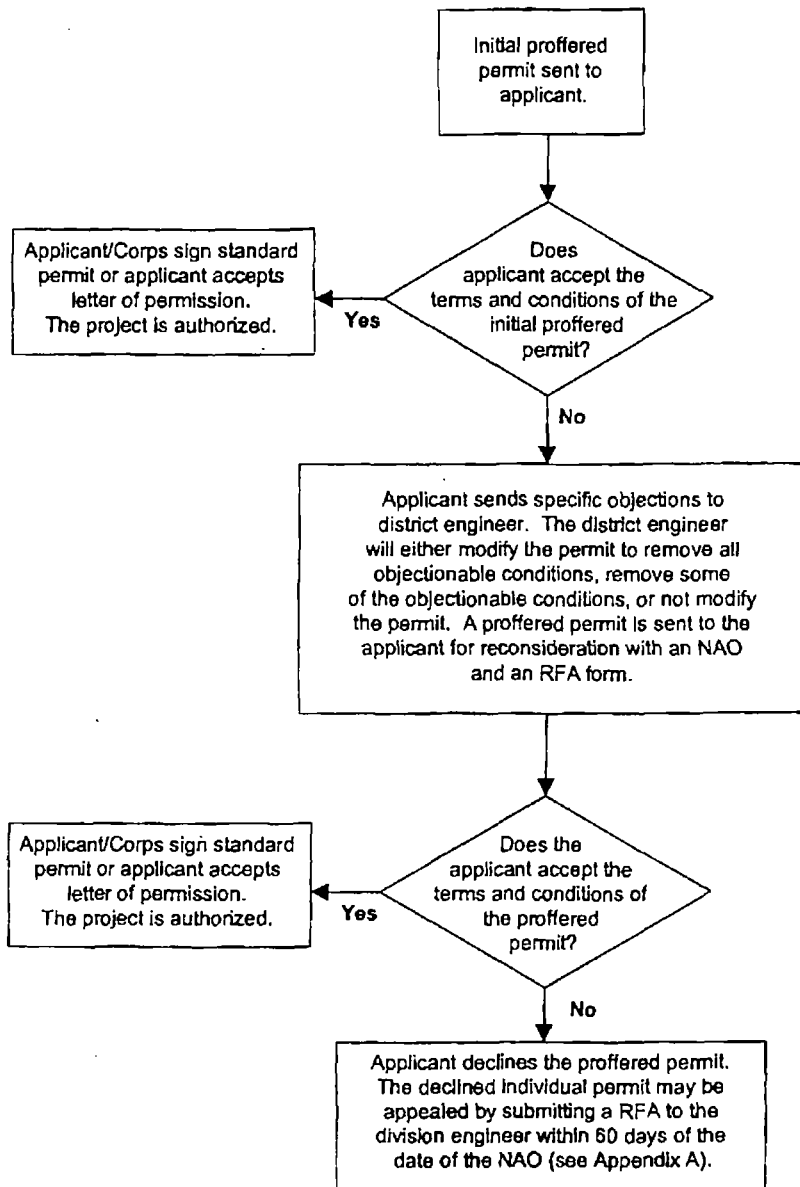
C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

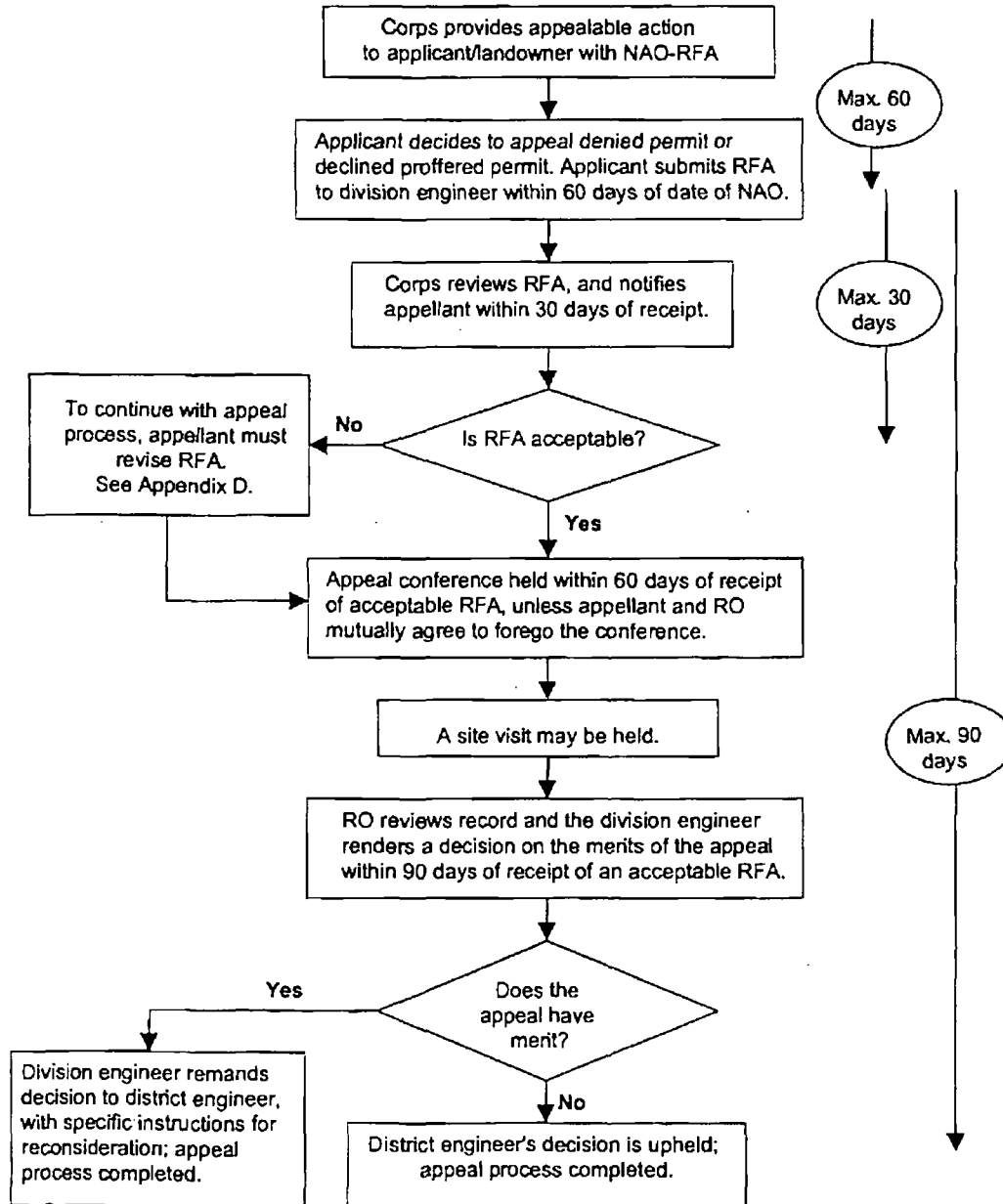
E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also, you may provide new information for further consideration by the Corps to reevaluate the JD.

Applicant Options with Initial Proffered Permit



Appendix B

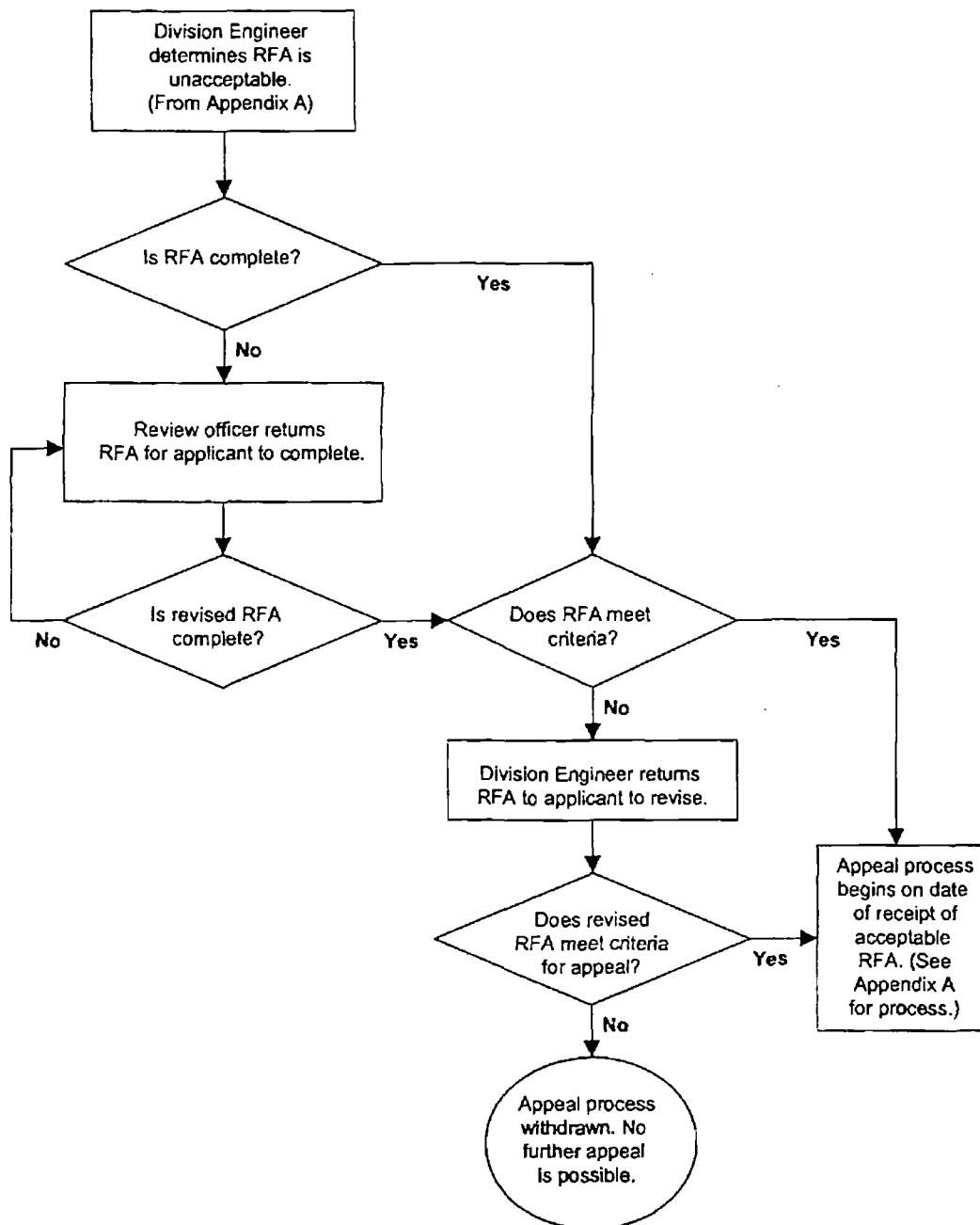
Administrative Appeal Process for Permit Denials and Proffered Permits



NOTE: If new information is provided to the Corps, the applicant will be asked if the applicant wishes to revise the project or record. If so, the appeal will be withdrawn and the case returned to the District for appropriate action. If not, then the Division Engineer will rule on the merits of the appeal based on the administrative record without consideration of the new information. However, the new information may cause the District Engineer to take action under 33 CFR 325.7, independent of the appeal process.

Appendix A

Process for Unacceptable Request for Appeal



Appendix D



US Army Corps
of Engineers ®
Seattle District

CERTIFICATE OF COMPLIANCE WITH DEPARTMENT OF THE ARMY PERMIT



Permit Number: 2001-1-00155

Name of Permittee: Ash Grove Cement Company

Date of Issuance: JAN 15 2003

Upon completion of the activity authorized by this permit, please check the applicable boxes below, sign this certification, and return it to the following address:

Department of the Army
U.S. Army Corps of Engineers
Seattle District, Regulatory Branch
Post Office Box 3755
Seattle, Washington 98125-3755

Please note that your permitted activity is subject to a compliance inspection by a U.S. Army Corps of Engineers representative. If you fail to comply with the terms and conditions of your authorization, your project is subject to suspension, modification, or revocation.

- ☐ The work authorized by the above-referenced permit has been completed in accordance with the terms and conditions of this permit.
- ☐ The mitigation required (not including monitoring) by the above-referenced permit has been completed in accordance with the terms and conditions of this permit.

Signature of Permittee